

HOUSE BILL 964
By Bone

AN ACT to amend Tennessee Code Annotated, Section 68-120-205, relative to building regulations.

WHEREAS, the Tennessee Public Buildings Accessibility Act has adopted model codes for its standards; and

WHEREAS, the particular model codes do not make any exception for Tennessee department of military projects; and

WHEREAS, other model codes, such as the Uniform Federal Accessibility Standards do make special provisions for military projects; and

WHEREAS, the Tennessee military department is required to meet standards that are sometimes impractical, unnecessary or unreasonable when considering facilities accommodating only able-bodied military personnel; now, therefore,

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 68-120-205, is amended by adding the following as a new, appropriately designated subsection:

(d) Notwithstanding any other provision of law to the contrary, the following facilities that are owned or leased by the Tennessee military department shall not be considered "public buildings" for the purposes of this part and need not be designed to

be accessible, but accessibility is recommended since the intended use of the facility may change with time:

(1) Unaccompanied state personnel housing, closed messes, vehicle and aircraft maintenance facilities, where all work is performed by able-bodied military personnel only;

(2) Those portions of facilities that are owned or leased by the Tennessee military department, which are used exclusively by able-bodied military personnel. This exclusion does not apply to those portions of a building or facility that is owned or leased by the Tennessee military department which may be open to the public at any time or which may be used at any time by physically handicapped persons employed or seeking employment at such building or facility;

(3) Where the number of accessible spaces required is determined by the design capacity of a facility (such as parking or assembly areas), the number of able-bodied military persons used in determining the design capacity need not be counted when computing the number of accessible spaced required; and

(4) In the case of military housing, which is primarily available for able-bodied military personnel and their dependents, at least five percent (5%) of the total but at least one (1) unit (on an installation-by-installation basis) of all housing constructed will be designed and built to be either accessible or readily and easily modifiable to be accessible, but in any event, modification of individual units (including the making of adaptation), will be accomplished on a high priority basis when a requirement is identified by the Tennessee military department and the state fire marshal. Common areas such as walks, streets, parking and display areas, and common entrances to multi-unit facilities shall be designed and built to be accessible.

Prior to any new construction, or changing use of a state building or state facility from public to non-public or from non-public to public, the Tennessee military department shall notify the state fire marshal's office in writing of such construction or change. Such written notification shall state that the Tennessee military department has reviewed the use of the facility and has determined whether the facility meets the definition of "public building" as determined by the criteria established in this subsection. The state fire marshal's office shall review such notification to ensure compliance with this section.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.